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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

COREY GERWASKI,

Plaintiff,

v.

STATE OF NEVADA, ex rel. BOARD
OF REGENTS of the NEVADA
SYSTEM OF HIGHER EDUCATION,
on behalf of the UNIVERSITY OF
NEVADA, LAS VEGAS; KEITH
WHITFIELD, individually; AJP
EDUCATIONAL FOUNDATION INC.,
a California Non-Profit Corporation;
STUDENTS FOR JUSTICE OF
PALESTINE-UNLV; NATIONAL
STUDENTS FOR JUSTICE OF
PALESTINE; NEVADANS FOR
PALESTINIAN LIBERATION;
DOES I-XX and ROE entities I-XX,

Defendants.

Case No. 2:24-cv-00985- APG-MDC

**DR. HATEM BAZIAN'S MOTION TO QUASH
OR STRIKE IMPROPER SERVICE**

*The Constitutional Law Center for Muslims in America is the legal division of the Muslim Legal Fund of America.

1 Dr. Hatem Bazian (“Dr. Bazian”) by and through his counsel, respectfully requests this Court
2 exercise its inherent authority to quash or strike service (ECF No. 49) for failure to properly serve a party
3 pursuant to Fed. R. Civ. P. 4(e)(1) and 4(e)(2)(C) and award him attorneys’ fees and costs related to
4 bringing this Motion.

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6 Respectfully submitted,

7 Dated: March 27, 2025

8
9 /s/ Margaret A. McLetchie

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21 **The Constitutional Law Center for Muslims in*
22 *America is the legal division of the Muslim Legal*
23 *Fund of America*

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2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 COREY GERWASKI,

6 Plaintiff,

7 v.

8 STATE OF NEVADA, ex rel. BOARD
9 OF REGENTS of the NEVADA
10 SYSTEM OF HIGHER EDUCATION,
11 on behalf of the UNIVERSITY OF
12 NEVADA, LAS VEGAS; KEITH
13 WHITFIELD, individually; AJP
14 EDUCATIONAL FOUNDATION, INC.,
a California Non-Profit Corporation;
STUDENTS FOR JUSTICE OF
PALESTINE-UNLV; NATIONAL
STUDENTS FOR JUSTICE OF
PALESTINE; NEVADANS FOR
PALESTINIAN LIBERATION;
DOES I-XX and ROE entities I-XX,

15 Defendants.

Case No. 2:24-cv-00985- APG-MDC

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
DR. HATEM BAZIAN’S MOTION TO QUASH
OR STRIKE IMPROPER SERVICE**

I. INTRODUCTION

Rather than serve Defendant National Students for Justice in Palestine (“NSJP”), Plaintiff served Dr. Hatem Bazian (“Dr. Bazian”). Dr. Bazian is not a party to this action. And no law designates him to receive service for NSJP. Dr. Bazian is a professor and lecturer at the University of California, Berkeley. His academic focus includes Arab and Arab American studies, colonialism and post-colonial studies, and Islamophobia studies. Though Dr. Bazian has been involved in the creation of many organizations over the years, including AJP Educational Foundation, Inc., a Defendant in this case, AMP, as well as the first accredited Muslim undergraduate college in the U.S., Zaytuna College, Dr. Bazian did not create the organization known as National Students for Justice in Palestine (“NSJP”), nor any Students for Justice in Palestine (“SJP”) chapter. Dr. Bazian has never held any role with NSJP or any SJP chapter. Despite this, Plaintiff served Dr. Bazian as a representative of NSJP (ECF No. 49). Even when Dr. Bazian’s counsel provided Plaintiff’s counsel with evidence that Dr. Bazian is not, and never has been, affiliated with NSJP, Plaintiff did not withdraw the proof of service he filed. Dr. Bazian therefore moves to strike the Proof of Service Plaintiff filed listing him as the individual served on behalf of NSJP.

II. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff filed this case on May 26, 2024, and amended his complaint on August 9, 2024. ECF Nos. 1 and 6. Plaintiff moved on October 10, 2024 for an extension of time to serve, among others, NSJP, and for leave to serve by publication. ECF No. 27. This Court granted Plaintiff’s motion for extension to serve NSJP until February 28, 2025, but denied the request to serve by publication. ECF No. 47. On February 23, 2025, Plaintiff served Dr. Bazian at his home with a summons for NSJP. ECF No. 49. Counsel for Dr. Bazian promptly contacted Plaintiff’s counsel and informed them that Dr. Bazian is not a representative of NSJP. *See* Exhibit A, Communication between counsel at 2. Plaintiff’s counsel informed Dr. Bazian’s counsel that she would move forward filing the proof of service on Dr. Bazian, and did so on that day. Exhibit A at 2; ECF No. 49. Dr. Bazian’s counsel subsequently sent Plaintiff’s

counsel the attached Declaration from Dr. Bazian, attesting that he has no relationship to NSJP. Exhibit A at 1. Plaintiff's counsel still has not withdrawn the proof of service so this Motion follows.

Plaintiff cannot meet his burden set forth below and this Motion should be granted.

III. ARGUMENT

A. Legal Standard

Fed. R. Civ. P. 4(e)(1) and 4(e)(2)(C) required Plaintiff to either follow state law governing service or deliver a copy of the summons and complaint to "an agent authorized by appointment or by law to receive service of process." Plaintiff has the burden to establish service was proper. *Robinson v. Circa Resorts LLC*, No. 2:21-cv-01646-ART-BNW, 2022 U.S. Dist. LEXIS 213424, at *4-5 (D. Nev. Nov. 28, 2022) (citation omitted). Where service is improper, the Court may quash service. *See Stevens v. Security Pac. Nat'l Bank*, 538 F.2d 1387, 1389 (9th Cir.1976) (the district court has discretion to dismiss an action or to quash service). Alternatively, a court may strike documents pursuant to this Court's "inherent authority to manage its docket and discretion to strike improper documents from the record," *Dahar v. Pennymac Loan Servs., LLC*, Case No. 2:23-cv-01020-CDS-MDC, 2024 U.S. Dist. LEXIS 112200, at *3-4 (June 25, 2024).

Further, the Court has authority to make clear where a person does not fall within the jurisdiction of the Court.

B. Service on Dr. Bazian is Invalid

Plaintiff's service on Dr. Bazian is invalid because he has no affiliation with NSJP and no statute or rule designates him to receive service for NSJP. Dr. Bazian is not the founder of NSJP or any Students for Justice in Palestine ("SJP") chapter anywhere in the country. *See* Exhibit B, Declaration of Dr. Hatem Bazian, at ¶¶ 9-10; *see also* Arno Rosenfeld, *The secret history and uncertain future of Students for Justice in Palestine*, FORWARD (Dec. 20, 2023), <https://forward.com/news/574014/students-for-justice-in-palestine-history-operations-network-national-sjp/> (identifying a bookseller currently living in Jordan

as the founder of the first organization known as SJP at University of California, Berkeley). Dr. Bazian has not served in any leadership position with NSJP or any SJP chapter. *See* Exhibit B at ¶¶ 15-16. Further, neither the Federal Rules of Civil Procedure, nor the Local Rules of this Court, nor the Nevada Rules of Civil Procedure, nor any federal or Nevada statute designate Dr. Bazian as a proper person to serve for NSJP. *See, e.g.,* Nev. R. Civ. P. 4.2(c)(2) (dictating that a one may serve a foreign entity through “any officer, director, partner, member, manager, trustee, or agent... located within this state”). Plaintiff’s service on Dr. Bazian fails to hail Dr. Bazian or NSJP into this Court. Therefore, the service should be quashed or stricken pursuant to the authority above.

C. This Court Has No Jurisdiction Over Dr. Bazian in this Matter

This Court has no personal jurisdiction over Dr. Bazian in this matter because he is not subject to general jurisdiction in the state of Nevada, nor does Plaintiff identify any of Dr. Bazian’s contacts with the state of Nevada that could establish this Court’s jurisdiction. Dr. Bazian lives and works in California, and so is not subject to the general personal jurisdiction of this Court. *See* Exhibit B at ¶ 17; *See Bristol-Myers Squibb Co. v. Superior Court*, 582 U.S. 255, 262 (2017) (reiterating that the forum for general personal jurisdiction over an individual is that individual’s domicile). Further, he is not subject to specific personal jurisdiction in Nevada, as he does not have sufficient relevant contacts to establish specific personal jurisdiction. *Id.* (emphasizing that the suit must arise out of or relate to the defendant’s contacts with the forum). Plaintiff pleads no facts about Dr. Bazian’s contacts with Nevada, and certainly none sufficient to vest this Court with jurisdiction. *See generally Int’l Shoe Co. v. Wash.*, 326 U.S. 310, 316 (1945) (explaining that due process requires plaintiffs to show minimum contacts with the forum “such that the maintenance of the suit does not offend notions of fair play and substantial justice”).

IV. CONCLUSION

Plaintiff’s counsel decided to serve Dr. Bazian as a representative of NSJP and file that Proof of Service with this Court. Plaintiff served Dr. Bazian on February 23, and his counsel communicated with

1 Plaintiff's counsel on February 24, leaving four days for Plaintiff to serve an appropriate individual for
2 NSJP prior to the deadline, and Plaintiff failed to do so. In an effort to avoid any legal implications in his
3 personal capacity, Dr. Bazian respectfully requests that this Court quash or strike the improper service.

4
5 Respectfully submitted,

6 Dated: March 27, 2025

7
8 /s/ Margaret A. McLetchie

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13 *Counsel for Dr. Hatem Bazian*
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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on March 27, 2025, he caused the foregoing to be served by electronically filing with the Clerk of the Court for the District of Nevada using the CM/ECF system, and thereby serving by e-mail notification upon counsel for all parties of record.

Leo S. Wolpert
Leo S. Wolpert
Employee of MCLETCHIE LAW